

*The actions delineated below were taken in open session of the EPSB at the August 9, 2004 regular meeting. This information is provided in summary form; an official record of the meeting is available on tape in the permanent records of the EPSB, 100 Airport Road, 3rd Floor, Frankfort, KY 40601.*

**Education Professional Standards Board (EPSB)  
Summary Minutes of the Business Meeting  
EPSB Offices, 100 Airport Road, 3rd Floor  
Frankfort, Kentucky  
August 9, 2004**

**Members Present:**

Doris Barlow  
Dianne Bazell (for Jim Applegate)  
Lydia Coffey  
David Cook (for Gene Wilhoit)  
Sam Evans  
Joy Gray  
Linda Livers  
Rita Presley  
Wilson Stone  
Tom Stull  
Ellie Thompson  
Mark Wasicsko  
Joe Welch

**Members Absent:**

Eugene Binion  
Wally Campbell  
Kristin Gregory  
Penny Robinson

**Minutes**

**Call to Order**

Chair Lydia Coffey called the meeting to order at 9:10 AM EDT.

**Swearing in of New Board Members**

Ms. Brenda Allen swore in Dr. Sam Evans, Dean, College of Education and Behavioral Sciences, Western Kentucky University, and Ms. Rita Presley, teacher, Science Hill Independent Schools, as new board members, replacing Dr. Dan Branham and Mr. Arthur Green, respectively.

**Amendment of Agenda**

*Motion made by Ms. Joy Gray, seconded by Ms. Linda Livers to amend the meeting agenda, adding cooperating teacher waiver requests from Eastern Kentucky University, Morehead State University, and Western Kentucky University.*

Vote: Unanimous

**Approval of Minutes**

*Motion made by Dr. Doris Barlow, seconded by Dr. Mark Wasicsko, to approve the minutes of the June 14, 2004 EPSB meeting.*

Vote: Unanimous

### **Open Speak**

Ms. Mardi Montgomery, Deputy Secretary for Education, updated the board on the National Commission on Teaching in American Future (NCTAF) meeting held in July. She indicated that NCTAF is in a transition period with a change of leadership; however, the organization remains focused on research and working with the requirements of the No Child Left Behind (NCLB) Act of 2001 and having a "highly qualified" teacher in every classroom.

### **Report of the Executive Director and Staff**

Dr. Leib discussed concerns received from the Green River Regional Educational Cooperative (GRREC) with regard to proper certification for curriculum consultants and athletic directors in the LEAD (Local Educator Assignment Data) report. After a lengthy discussion, the board agreed to the following:

1. Persons holding responsibilities other than classroom teaching -- i.e., oversight of curriculum or programs, who serve in these positions during the instructional day, and who receive instructional funds (i.e., SEEK monies) for serving in these positions must hold either administrative or consultant certification. Consultant certification requires three years' teaching experience, a master's degree (or the equivalent), and certification in the area of oversight (e.g., language arts; music). This is in keeping with KRS 161.020, which states, in part, that "[n]o person shall be eligible to hold . . . [any position] for which certificates may be issued, or receive salary for services rendered in the position, unless he or she holds a certificate of legal qualifications for the position . . . ." This also is in keeping with the intent of the NCLB Act of 2001 that every teacher and administrator shall be deemed "highly qualified." The requirement for consultant certification has been in place since at least 1980.
2. Persons serving in curricular/program oversight roles but not holding either administrative or consultant certification will kick out on this year's LEAD Report as being "out of field." However, in that EPSB staff have been unable for the past several years, because of problems in reconciling our data with that on STI and MUNIS, to identify our-of-field administrators/consultants, the board requested the Executive Director ask Commissioner Wilhoit to hold these persons (and their respective school districts) harmless during the 2004-05 school year so that staff might have the opportunity to work with these persons and districts to get them properly certified. The colleges and universities are on notice that they may be called on to be of assistance, and provisions are in place to help teachers add certificate endorsements and extensions.
3. An athletic director is properly certified if he/she holds administrative certification. Other options are to assign these duties as "extra-curricular" responsibilities, or to make the position "classified." However, if none of these options is possible, and the position remains one being paid with instructional funds during the instructional day, the board is faced with requiring that the position be tied to consultant certification in an instructional area, and the best instructional area staff could come up with is "physical education." The board also understands that "physical education" is not always the best "match," and that a better solution may be possible. The board asked the Executive Director to invite Mr. Mitch Crump, Chair, GRREC, Mr. Wayne Young, Executive Director, Kentucky Association of School Administrators, a representative of the Kentucky High School Athletic Association, and a representative of the Kentucky Association

of Athletic Directors to attend the September 20, 2004 meeting to further discuss how to deal with athletic director certification.

Dr. Marilyn Troupe introduced the following individuals: Dr. Jacqueline Woodbury-Sand, Dean of Education, Dr. Lou Ann Hopper, Dean of Graduate Studies, and Ms. Carol Clouse, Coordinator of Assessment and Accreditation, Union College; Dr. Richard Downey, Chair, Teacher Education, Ms. Nicole Bryan, Program Executive, Teacher Education, and Dr. Rhonda Richard, Dean, Midway College; and Dr. Elaine Jarchow, Dean, College of Education, Northern Kentucky University.

Ms. Sherry Paul reviewed the *Decision Log* of board decisions. The log lists all board decisions made since September 1997 and, where possible, the web links to the official minutes. Board members asked that the actual decision of the board be referenced on the log as a quick reference, and this will be completed as soon as possible.

The following items were distributed and reviewed by board members:

- Emergency Non-Certified Personnel Program Fourth Quarter (April – June 2004) Report
- Letter to Mr. George Wilson, Superintendent, Monroe County Schools RE: First District to have a National Board for Professional Teaching Standards (NBPTS)-certified teacher in every school
- Notes from the July 2004 annual EPSB retreat
- Terms of current board members
- Updated listing of board member information
- News article of interest
- *Kentucky Teacher*

### **Report of the Chair**

Ms. Coffey appointed the following board members to the Election of Officers Nominating Committee: Ms. Ellie Thompson, Chair, Ms. Livers, Dr. Wasicsko, and Ms. Gray. The committee will make a recommendation at the September board meeting for chair and vice-chair of the EPSB.

Ms. Coffey read a letter of resignation, effective December 31, 2004, from Dr. Leib, who will be retiring.

**2004-050**      *Motion made by Dr. Wasicsko, seconded by Dr. Doris Barlow, to accept with regrets the resignation of the Executive Director, effective COB December 31, 2004.*

Vote: Unanimous

Ms. Coffey distributed a timeline to be used in the search for a new Executive Director. Upon review, the following motions were made:

*Motion made by Ms. Thompson to move up the timeline slightly in order to call a special meeting in early November to name the new Executive Director. This would allow the new appointee to work with Dr. Leib in preparing for the regularly scheduled November 22, 2004 meeting.*

Motion failed for lack of a second.

**2004-051**      *Motion made by Ms. Gray, seconded by Ms. Livers, to accept the timeline as presented, and giving authority to the chair for setting a date in October 2004 for the Search Committee to review applications for Executive Director's position.*

Vote: Unanimous

Ms. Coffey recognized Mr. Tom Stull who reported to the board on his work in training teachers to assess a portion of the on-line assessment that NBPTS uses to certify teachers. Mr. Stull worked for two weeks in July training these teachers, and he felt it to be a very rigorous and rewarding experience.

### **Discussion Item**

#### **Model Code of Ethics for State Board and Commission Members**

Board members reviewed a memorandum from Ms. Jill LeMaster, Executive Director of the Executive Branch Ethics Commission, requesting that the EPSB give consideration to adopting the Model Code of Ethics for State Board and Commission Members. Upon discussion, board members asked that the General Counsel modify the Code of Ethics to clearly articulate that the code would not prohibit the acceptance of payment for work performed as mentors for candidates pursuing NBPTS certification, cooperating teacher for student teachers, resource teacher for teacher interns or mentors for teachers/administrators.

This item will be brought back at the September 2004 meeting as an action item.

### **Action Items**

#### **16 KAR 4:060, Experience Applicable to Certificate Renewal, Final Approval**

**2004-052**      *Motion made by Mr. Wilson Stone, seconded by Ms. Livers, to approve amendments to 16 KAR 4:060, Experience Applicable to Certificate Renewal.*

Vote: Unanimous

#### **Changes to Disciplinary Practices**

At the May 2004 meeting and July 2004 retreat, the General Counsel discussed with board members several options for ensuring that Kentucky school districts and other stakeholders are aware of the suspensions and revocations of the certificates of educators who have engaged in misconduct.

**2004-053**      *Motion made by Ms. Thompson, seconded by Ms. Gray, to approve the surrender of suspended or revoked certificates.*

Vote: Unanimous

**2004-054**      *Motion made by Dr. Wasicsko, seconded by Ms. Thompson, to approve the notation of periods of suspension and/or revocation on certificates when reissued.*

Vote: Unanimous

- 2004-055**      *Motion made by Ms. Gray, seconded by Ms. Livers, to approve displaying final AND pending actions taken against educator certificates on the EPSB website, with access limited to school district administrators.*

Vote: Unanimous

- 2004-056**      *Motion made by Dr. Barlow, seconded by Dr. Wasicsko, to approve displaying final actions taken against educators certificates on the EPSB website, with access open to the public.*

Vote: Unanimous

#### **Mission Statement, Goals, and 2004-06 Initiatives**

- 2004-057**      *Motion made by Ms. Gray, seconded by Ms. Thompson, to approve the Mission Statement, Goals, and 2004-06 Initiatives as revised.*

Vote: Unanimous

#### **Amendment to 2004-05 Meeting Schedule**

- 2004-058**      *Motion made by Ms. Gray, seconded by Ms. Livers, to approve amending the 2004-05 meeting schedule to extend the November 22, 2004 meeting to a two-day meeting, beginning on Sunday, November 21, at 1:00 p.m.*

Vote: Unanimous

#### **Program Approvals**

##### **Midway College, Mathematics, Grades 8-12 (Bachelor's Level)**

- 2004-059**      *Motion made by Dr. Wasicsko, seconded by Ms. Livers, to approve the mathematics, grades 8-12 (Bachelor's Level) educator preparation program at Midway College.*

Vote: Unanimous

##### **Alternative Route to Certification Applications**

- 2004-060**      *Motion made by Ms. Thompson, seconded by Ms. Gray, to approve, based on sufficient evidence of ten years' exceptional work experience, the application for provisional teaching certification in chemistry, grades 8-12, for Ms. Toni Gissendanner.*

Vote: Unanimous

**2004-061**      *Motion made by Dr. Evans, seconded by Ms. Gray, to deny, based on insufficient evidence of ten years' exceptional work experience, the application for provisional teaching certification in physics, grades 8-12 and mathematics, grades 8-12, for Ms. Toni Gissendanner.*

Vote: Unanimous

**2004-062**      *Motion made by Ms. Gray, seconded by Ms. Thompson, to approve, based on sufficient evidence of ten years' exceptional work experience, the application for provisional teaching certification in dance, grades P-12 and theater, grades P-12, for Ms. Gail Benedict.*

Vote: Unanimous

**2004-063**      *Motion made by Ms. Livers, seconded by Mr. Stone, to approve, based on sufficient evidence of ten years' exceptional work experience, the application for provisional teaching certification in theater, grades P-12, for Ms. Georgette Kleier.*

Vote: Unanimous

**2004-064**      *Motion made by Dr. Wasicsko, seconded by Dr. Evans, to deny, based on insufficient evidence of ten years' exceptional work experience, the application for provisional teaching certification in social studies, grades 8-12, for Mr. Robert Kaercher.*

Vote: Unanimous

#### **Waiver Requests**

**2004-065**      *Motion made by Dr. Evans, seconded by Dr. Wasicsko, to deny the request of Ms. Connie Huff to waive 16 KAR 8:020, Extension to Complete Master's Degree.*

Vote: Yes - 8

No - 2 (Ms. Gray and Ms. Livers)

**2004-066**      *Motion made by Dr. Barlow, seconded by Ms. Gray, to approve the request of Ms. Kitty Jennings to waive 16 KAR 8:020, Extension to Complete Master's Degree.*

Vote: Unanimous

**2004-067**      *Motion made by Dr. Evans, seconded by Ms. Gray, to approve the request of Dr. Mark Wasicsko, Dean, College of Education, Eastern Kentucky University, on behalf of Ms. Ragan Knuckles, Ms. Ruth Sales, Ms. Melissa Lindsey, Mr. Dixie Miller, Ms. Holly Comley, and Ms. Jaime Godbey, to waive 16 KAR 5:040, Section 2 (b),(c), (d) and 16 KAR 2:040, Section 4 and 5, Cooperating Teacher Eligibility Requirements.*

Vote: Yes - 9

Recuse - 1 (*Dr. Wasicsko*)

**2004-068**      *Motion made by Ms. Gray, seconded by Dr. Wasicsko, to approve the request of Dr. Dan Branham, Dean, College of Education, Morehead State University, on behalf of Mr. Parsons, Ms. Shirley Ginter, Ms. Brandi DeHoff Trent, and Ms. Teresa Hufford, to waive 16 KAR 5:040, Section 2 (b),(c), Cooperating Teacher Eligibility Requirements.*

Vote: Unanimous

**2004-069**      *Motion made by Dr. Barlow, seconded by Mr. Stone, to approve the request of Dr. Sam Evans, Dean, College of Education and Behavioral Sciences, Western Kentucky University, on behalf of Ms. Becky Harrell, to waive 16 KAR 5:040, Section 2 (d), Cooperating Teacher Eligibility Requirements.*

Vote: Yes - 8

Recuse - 2 (*Dr. Evans and Ms. Livers*)

**DISCIPLINARY MATTERS: MINUTES OF CASE REVIEW**  
**August 9, 2004**

*Motion made by Mr. Stull, seconded by Ms. Livers to go into closed session for the purpose of discussing proposed or pending litigation in accordance with KRS 61.701(c)&(j).*

Vote: Unanimous

*Motion made by D. Wasicsko, seconded by Ms. Thompson, to return to open session.*

Vote: Unanimous

The following board members concurred with the actions as listed below with the noted exceptions:

Lydia Coffey, Joy Gray, Linda Livers, Doris Barlow, Wilson Stone, Mark Wasicsko, Joe Welch, Tom Stull, Sam Evans, Ellie Thompson, and Rita Presley.

Attorneys present were Brenda Dinkins Allen, Cynthia Clay Grohmann, Alicia A. Sneed and Robert S. Jones.

**Initial Case Review**

<u>Case Number</u>	<u>Decision</u>
04-0332	Hear
03-07110	Hear
04-0569	Hear

04-0573	Admonish
04-0458	Admonish
04-0461	Hear
04-0570	Admonish
04-0567	Hear
04-0568	Hear
04-0460	Hear
04-0562	Hear
04-0571	Defer
04-0572	Admonish
04-0566	Admonish ( <i>Ms. Gray, recused</i> )
04-0676	Hear ( <i>Ms. Thompson, recused</i> )
04-0674	Defer
04-0454	Hear ( <i>Dr. Evans, Ms. Livers, recused</i> )
04-0457	Hear ( <i>Ms. Presley, recused</i> )
04-0675	Hear ( <i>Dr. Barlow, recused</i> )
04-0564	Hear
04-0679	Dismiss
04-0459	Dismiss
03-11143	Dismiss ( <i>Ms. Gray, dissented</i> )
04-0105	Dismiss

### **Character/Fitness Review**

<b><u>Case Number</u></b>	<b><u>Decision</u></b>
04-091	Approve
04-093	Approve
04-094	Approve
04-096	Approve
04-100	Approve
04-102	Approve
04-103	Approve
04-104	Approve
04-105	Approve
04-107	Approve
04-095	Approve
04-108	Approve
04-109	Approve
04-110	Approve
04-099	Approve
04-111	Approve
04-097	Approve
04-112	Approve
04-106	Approve
04-113	Approve
04-114	Approve
04-115	Approve
04-116	Approve
04-117	Approve
04-120	Approve
04-121	Approve



04-118	Approve
04-119	Approve
04-122	Approve
04-123	Approve
04-125	Approve
04-124	Approve
04-126	Approve
04-127	Approve
04-101	Approve
04-128	Approve
04-130	Approve
04-131	Approve
04-132	Approve
04-133	Approve
04-134	Approve
04-135	Approve
04-137	Approve
04-138	Approve
04-139	Approve
04-136	Defer
04-140	Approve
04-141	Approve
04-142	Approve
04-143	Approve

### **Agreed Orders**

<b><u>Case Number</u></b>	<b><u>Decision</u></b>
03-0687 (David Meredith)	<p>Accept Agreed Order revoking respondent's teaching certificate for 15 years from the date of acceptance by the Board. This agreement shall not prohibit respondent from working in the adult education field, so long as the position does not require certification. Further, respondent agrees to comply with any and all requirements of supervised release imposed by the United States District Court for the Western District of Kentucky. If respondent fails to do so, the Board may declare this agreement null and void, and reopen this disciplinary action and seek a more significant sanction.</p> <p>Vote: Unanimous</p>
03-10128 (Viola Vanover)	<p>Accept Agreed Order suspending respondent's teaching certificate for a period of 60 days from the date of acceptance by the Board. The reinstatement of respondent's certificate is specifically conditioned upon respondent providing written evidence that she has been evaluated by a licensed psychologist and/or psychiatrist approved by the Board and that she is fit to return to the classroom and is not a danger to herself and others. Cost of said evaluation shall be paid by respondent. Should respondent fail to satisfy this condition, her certificate will not be reinstated.</p> <p>Vote: Unanimous</p>

03-169 (CF)  
(Edwin Scott Hollan)

Accept Agreed Order prohibiting respondent from applying for certification until November 1, 2004, or such earlier date as will allow the Board sufficient time to consider and rule upon respondent's application so that respondent can be issued a certificate effective January 1, 2005. The Board agrees that in considering respondent's application, it may not rely upon any facts or circumstances that are the subject of the Agreed Order as a basis to deny respondent's application.

Vote: Unanimous

### **Findings of Fact, Conclusions of Law and Recommended Orders**

*Consideration of the following matter took place with attorneys Brenda Dinkins Allen, Cynthia Clay Grohmann, and Alicia Sneed out of the room.*

#### **Case Number**

#### **Decision**

01-0887 (Winston K. Burton)

Consider the Exceptions Filed. Accept the Hearing Officer's Findings of Fact and Conclusions of Law, and adopt the Recommended Order revoking respondent's certificate for a period of 10 years. Issuance of any future certificate is expressly conditioned upon Respondent's submitting documentation that evidences that respondent has successfully completed 12 hours of professional development/training in the areas of ethics and boundary issues, including sexual harassment, from a provider approved in advance by the Board, the cost of which is to be assumed by respondent.

Vote: Unanimous

*Motion made by Ms. Joy Gray, seconded by Ms. Linda Livers, to adjourn the meeting.*

Vote: Unanimous.

The meeting adjourned at 2:05 PM.

**Next Regular Meeting: September 20, 2004  
9:00AM  
EPSB Board Room  
Frankfort, Kentucky**